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Paper No.

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WASHINGTON DC 20037

MAILED

AUG 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Takahashi et al.	:	DECISION ON
Application No. 10/573,967	:	PETITION PURSUANT TO
Filed: March 30, 2006	:	37 C.F.R. § 1.182
Attorney Docket No. Q94014	:	
Title: METHOD OF CONTROLLING	:	
CONTACT ANGLE OF WATER	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.182, requesting the withdrawal of a terminal disclaimer, filed on April 16, 2010.

This petition is **DISMISSED**.

On February 12, 2010, Petitioner submitted a terminal disclaimer to overcome a non-statutory double patenting rejection over co-pending Application number 10/574,200, in a final Office action mailed November 10, 2009.

Receipt of the petition fee is acknowledged.

With this petition, Petitioner has asserted that the terminal disclaimer is not required (pages 1-2 of the petition). This argument has been considered by the Examiner, but has not been deemed to be persuasive. An Office communication from the Examiner has been enclosed with this decision.

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, the response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled

Decision on Petition pursuant to 37 C.F.R. § 1.182

"Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

- The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,¹ hand-delivery,² or facsimile.³ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁴

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁵ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

Encl. Office communication

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

3 (571) 273-8300 - please note this is a central facsimile number.

4 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10573967	3/30/06	TAKAHASHI ET AL.	Q94014

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EXAMINER

Shamim Ahmed

ART UNIT	PAPER
1713	20100607

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In response to the petition under 1.182, withdrawing the terminal disclaimer filed on February 12, 2010 is still proper because the claimed "article" in the instant application broadly encompasses the "microchannel" in the application 10/573,200 and both the application dealing with decreasing a contact angle of water by application of energy (heat and light source).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (571) 272-1457. The examiner can normally be reached on Mon-Thurs day (7:00-3:30) Every Friday Off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shamim Ahmed
Primary Examiner
Art Unit 1713

/Shamim Ahmed/
Primary Examiner, Art Unit 1713